

House File 2458 - Introduced

HOUSE FILE 2458

BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO LSB 5015HB)

A BILL FOR

1 An Act relating to appropriations to the justice system.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. 2015 Iowa Acts, chapter 135, section 23, is
2 amended to read as follows:

3 SEC. 23. DEPARTMENT OF JUSTICE.

4 1. There is appropriated from the general fund of the state
5 to the department of justice for the fiscal year beginning July
6 1, 2016, and ending June 30, 2017, the following amounts, or
7 so much thereof as is necessary, to be used for the purposes
8 designated:

9 a. For the general office of attorney general for salaries,
10 support, maintenance, and miscellaneous purposes, including
11 the prosecuting attorneys training program, matching funds
12 for federal violence against women grant programs, victim
13 assistance grants, office of drug control policy prosecuting
14 attorney program, and odometer fraud enforcement, and for not
15 more than the following full-time equivalent positions:

| | | |
|----------|------|----------------------|
| 16 | \$ | 3,994,953 |
| 17 | | <u>7,989,905</u> |
| 18 | FTEs | 214.00 |
| 19 | | <u>215.00</u> |

20 As a condition of receiving the appropriation provided
21 in this lettered paragraph, the department of justice shall
22 maintain a record of the estimated time incurred representing
23 each agency or department.

24 b. For victim assistance grants:

| | | |
|----------|----|----------------------|
| 25 | \$ | 3,367,200 |
| 26 | | <u>6,734,400</u> |

27 The moneys appropriated in this lettered paragraph shall be
28 used to provide grants to care providers providing services to
29 crime victims of domestic abuse or to crime victims of rape and
30 sexual assault.

31 The balance of the victim compensation fund established
32 in [section 915.94](#) may be used to provide salary and support
33 of not more than ~~24~~ 29.00 FTEs and to provide maintenance
34 for the victim compensation functions of the department of
35 justice. Of the FTEs authorized pursuant to this paragraph,

1 5.00 FTEs shall be used by the department of justice to employ
2 one accountant and four program planners. The department of
3 justice may employ the additional five FTEs authorized pursuant
4 to this lettered paragraph that are in excess of the number
5 of FTEs authorized for the previous fiscal year only if the
6 department of justice receives sufficient federal moneys to
7 maintain employment for the additional FTEs during the current
8 fiscal year. The department of justice shall only employ the
9 additional five FTEs in succeeding fiscal years if sufficient
10 federal moneys are received during each of those succeeding
11 fiscal years.

12 The department of justice shall transfer at least \$150,000
13 from the victim compensation fund established in [section 915.94](#)
14 to the victim assistance grant program.

15 Notwithstanding [section 8.33](#), moneys appropriated in this
16 paragraph "b" that remain unencumbered or unobligated at the
17 close of the fiscal year shall not revert but shall remain
18 available for expenditure for the purposes designated until the
19 close of the succeeding fiscal year.

20 c. For legal services for persons in poverty grants as
21 provided in [section 13.34](#):

22 \$ ~~1,200,000~~
23 2,400,000

24 2. a. The department of justice, in submitting budget
25 estimates for the fiscal year commencing July 1, 2017, pursuant
26 to [section 8.23](#), shall include a report of funding from sources
27 other than amounts appropriated directly from the general fund
28 of the state to the department of justice or to the office of
29 consumer advocate. These funding sources shall include but
30 are not limited to reimbursements from other state agencies,
31 commissions, boards, or similar entities, and reimbursements
32 from special funds or internal accounts within the department
33 of justice. The department of justice shall also report actual
34 reimbursements for the fiscal year commencing July 1, 2015,
35 and actual and expected reimbursements for the fiscal year

1 commencing July 1, 2016.

2 b. The department of justice shall include the report
3 required under paragraph "a", as well as information regarding
4 any revisions occurring as a result of reimbursements actually
5 received or expected at a later date, in a report to the
6 co-chairpersons and ranking members of the joint appropriations
7 subcommittee on the justice system and the legislative services
8 agency. The department of justice shall submit the report on
9 or before January 15, 2017.

10 3. a. The department of justice shall reimburse the
11 costs and necessary related expenses incurred by the Iowa
12 law enforcement academy to employ one additional instructor
13 position who shall provide training for domestic abuse and
14 human trafficking-related issues throughout the state.

15 b. The department of justice shall obtain the moneys
16 necessary to reimburse the Iowa law enforcement academy to
17 employ such an instructor from unrestricted moneys from either
18 the victim compensation fund established in section 915.94, the
19 human trafficking victim fund established in section 915.95, or
20 the human trafficking enforcement fund established in 2015 Iowa
21 Acts, ch. 138, §141.

22 Sec. 2. 2015 Iowa Acts, chapter 135, section 24, is amended
23 to read as follows:

24 SEC. 24. OFFICE OF CONSUMER ADVOCATE. There is appropriated
25 from the department of commerce revolving fund created in
26 section 546.12 to the office of consumer advocate of the
27 department of justice for the fiscal year beginning July 1,
28 2016, and ending June 30, 2017, the following amount, or so
29 much thereof as is necessary, to be used for the purposes
30 designated:

31 For salaries, support, maintenance, and miscellaneous
32 purposes, and for not more than the following full-time
33 equivalent positions:

34 \$ ~~1,568,794~~
35 3,137,588

1 FTEs 22.00

2 Sec. 3. 2015 Iowa Acts, chapter 135, section 25, is amended
3 to read as follows:

4 SEC. 25. DEPARTMENT OF CORRECTIONS — FACILITIES.

5 1. There is appropriated from the general fund of the state
6 to the department of corrections for the fiscal year beginning
7 July 1, 2016, and ending June 30, 2017, the following amounts,
8 or so much thereof as is necessary, to be used for the purposes
9 designated:

10 a. For the operation of the Fort Madison correctional
11 facility, including salaries, support, maintenance, and
12 miscellaneous purposes:

13 \$ ~~21,885,801~~
14 43,771,602

15 b. For the operation of the Anamosa correctional facility,
16 including salaries, support, maintenance, and miscellaneous
17 purposes:

18 \$ ~~16,834,127~~
19 33,668,253

20 It is the intent of the general assembly that the department
21 of corrections maintain and operate the Luster Heights prison
22 camp.

23 c. For the operation of the Oakdale correctional facility,
24 including salaries, support, maintenance, and miscellaneous
25 purposes:

26 \$ ~~30,079,046~~
27 60,158,092

28 d. For the operation of the Newton correctional facility,
29 including salaries, support, maintenance, and miscellaneous
30 purposes:

31 \$ ~~13,786,054~~
32 27,974,048

33 e. For the operation of the Mount Pleasant correctional
34 facility, including salaries, support, maintenance, and
35 miscellaneous purposes:

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1 \$ ~~12,680,067~~
2 24,958,195

3 f. For the operation of the Rockwell City correctional
4 facility, including salaries, support, maintenance, and
5 miscellaneous purposes:
6 \$ ~~4,918,177~~
7 9,836,353

8 g. For the operation of the Clarinda correctional facility,
9 including salaries, support, maintenance, and miscellaneous
10 purposes:
11 \$ ~~12,966,715~~
12 25,933,430

13 Moneys received by the department of corrections as
14 reimbursement for services provided to the Clarinda youth
15 corporation are appropriated to the department and shall be
16 used for the purpose of operating the Clarinda correctional
17 facility.

18 h. For the operation of the Mitchellville correctional
19 facility, including salaries, support, maintenance, and
20 miscellaneous purposes:
21 \$ ~~11,322,985~~
22 22,645,970

23 i. For the operation of the Fort Dodge correctional
24 facility, including salaries, support, maintenance, and
25 miscellaneous purposes:
26 \$ ~~15,048,824~~
27 30,097,648

28 j. For reimbursement of counties for temporary confinement
29 of work release and parole violators, as provided in sections
30 901.7, 904.908, and 906.17, and for offenders confined pursuant
31 to section 904.513:
32 \$ ~~537,546~~
33 1,075,092

34 k. For federal prison reimbursement, reimbursements for
35 out-of-state placements, and miscellaneous contracts:

| | | |
|---------|----|--------------------|
| 1 | \$ | 242,205 |
| 2 | | <u>484,411</u> |

3 2. The department of corrections shall use moneys
4 appropriated in subsection 1 to continue to contract for the
5 services of a Muslim imam and a Native American spiritual
6 leader.

7 Sec. 4. 2015 Iowa Acts, chapter 135, section 26, is amended
8 to read as follows:

9 SEC. 26. DEPARTMENT OF CORRECTIONS — ADMINISTRATION.

10 There is appropriated from the general fund of the state to the
11 department of corrections for the fiscal year beginning July
12 1, 2016, and ending June 30, 2017, the following amounts, or
13 so much thereof as is necessary, to be used for the purposes
14 designated:

15 1. For general administration, including salaries, support,
16 maintenance, employment of an education director to administer
17 a centralized education program for the correctional system,
18 and miscellaneous purposes:

| | | |
|----------|----|----------------------|
| 19 | \$ | 2,635,005 |
| 20 | | <u>5,270,010</u> |

21 a. It is the intent of the general assembly that each
22 lease negotiated by the department of corrections with a
23 private corporation for the purpose of providing private
24 industry employment of inmates in a correctional institution
25 shall prohibit the private corporation from utilizing inmate
26 labor for partisan political purposes for any person seeking
27 election to public office in this state and that a violation
28 of this requirement shall result in a termination of the lease
29 agreement.

30 b. It is the intent of the general assembly that as a
31 condition of receiving the appropriation provided in this
32 subsection the department of corrections shall not enter into
33 a lease or contractual agreement pursuant to [section 904.809](#)
34 with a private corporation for the use of building space for
35 the purpose of providing inmate employment without providing

1 that the terms of the lease or contract establish safeguards to
2 restrict, to the greatest extent feasible, access by inmates
3 working for the private corporation to personal identifying
4 information of citizens.

5 2. For educational programs for inmates at state penal
6 institutions:

7 \$ ~~1,304,055~~
8 2,608,109

9 a. To maximize the funding for educational programs,
10 the department shall establish guidelines and procedures to
11 prioritize the availability of educational and vocational
12 training for inmates based upon the goal of facilitating an
13 inmate's successful release from the correctional institution.

14 b. The director of the department of corrections may
15 transfer moneys from Iowa prison industries and the canteen
16 operating funds established pursuant to [section 904.310](#), for
17 use in educational programs for inmates.

18 c. Notwithstanding [section 8.33](#), moneys appropriated in
19 this subsection that remain unobligated or unexpended at the
20 close of the fiscal year shall not revert but shall remain
21 available to be used only for the purposes designated in this
22 subsection until the close of the succeeding fiscal year.

23 3. For the development of the Iowa corrections offender
24 network (ICON) data system:

25 \$ ~~1,000,000~~
26 2,000,000

27 4. For offender mental health and substance abuse
28 treatment:

29 \$ ~~11,159~~
30 22,319

31 4A. For department-wide duties, including operations,
32 costs, and miscellaneous purposes:

33 \$ 3,407,808

34 5. It is the intent of the general assembly that for
35 the fiscal year addressed by this section the department of

1 corrections shall continue to operate the correctional farms
2 under the control of the department at the same or greater
3 level of participation and involvement as existed as of January
4 1, 2011; shall not enter into any rental agreement or contract
5 concerning any farmland under the control of the department
6 that is not subject to a rental agreement or contract as of
7 January 1, 2011, without prior legislative approval; and
8 shall further attempt to provide job opportunities at the
9 farms for inmates. The department shall attempt to provide
10 job opportunities at the farms for inmates by encouraging
11 labor-intensive farming or gardening where appropriate; using
12 inmates to grow produce and meat for institutional consumption;
13 researching the possibility of instituting food canning
14 and cook-and-chill operations; and exploring opportunities
15 for organic farming and gardening, livestock ventures,
16 horticulture, and specialized crops.

17 Sec. 5. 2015 Iowa Acts, chapter 135, section 27, is amended
18 to read as follows:

19 SEC. 27. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL
20 SERVICES.

21 1. There is appropriated from the general fund of the state
22 to the department of corrections for the fiscal year beginning
23 July 1, 2016, and ending June 30, 2017, for salaries, support,
24 maintenance, and miscellaneous purposes, the following amounts,
25 or so much thereof as is necessary, to be used for the purposes
26 designated:

27 a. For the first judicial district department of
28 correctional services:

29 \$ 7,393,988
30 14,787,977

31 ~~It is the intent of the general assembly that the first~~
32 ~~judicial district department of correctional services maintain~~
33 ~~the drug courts operated by the district department.~~

34 b. For the second judicial district department of
35 correctional services:

1 \$ 5,750,331
2 11,500,661

3 ~~It is the intent of the general assembly that the second~~
4 ~~judicial district department of correctional services establish~~
5 ~~and maintain two drug courts to be operated by the district~~
6 ~~department.~~

7 c. For the third judicial district department of
8 correctional services:

9 \$ 3,620,628
10 7,241,257

11 d. For the fourth judicial district department of
12 correctional services:

13 \$ 2,819,003
14 5,638,005

15 e. For the fifth judicial district department of
16 correctional services, including funding for electronic
17 monitoring devices for use on a statewide basis:

18 \$ 10,539,196
19 21,078,393

20 ~~It is the intent of the general assembly that the fifth~~
21 ~~judicial district department of correctional services maintain~~
22 ~~the drug court operated by the district department.~~

23 f. For the sixth judicial district department of
24 correctional services:

25 \$ 7,431,812
26 14,863,623

27 ~~It is the intent of the general assembly that the sixth~~
28 ~~judicial district department of correctional services maintain~~
29 ~~the drug court operated by the district department.~~

30 g. For the seventh judicial district department of
31 correctional services:

32 \$ 3,928,436
33 7,856,873

34 ~~It is the intent of the general assembly that the seventh~~
35 ~~judicial district department of correctional services maintain~~

1 ~~the drug court operated by the district department.~~

2 h. For the eighth judicial district department of
3 correctional services:

| | | |
|---------|----|----------------------|
| 4 | \$ | 4,083,597 |
| 5 | | <u>8,167,194</u> |

6 2. Each judicial district department of correctional
7 services, within the funding available, shall continue programs
8 and plans established within that district to provide for
9 intensive supervision, sex offender treatment, diversion of
10 low-risk offenders to the least restrictive sanction available,
11 job development, and expanded use of intermediate criminal
12 sanctions.

13 3. Each judicial district department of correctional
14 services shall provide alternatives to prison consistent with
15 chapter 901B. The alternatives to prison shall ensure public
16 safety while providing maximum rehabilitation to the offender.
17 A judicial district department of correctional services may
18 also establish a day program.

19 4. The governor's office of drug control policy shall
20 consider federal grants made to the department of corrections
21 for the benefit of each of the eight judicial district
22 departments of correctional services as local government
23 grants, as defined pursuant to federal regulations.

24 5. The department of corrections shall continue to contract
25 with a judicial district department of correctional services to
26 provide for the rental of electronic monitoring equipment which
27 shall be available statewide.

28 Sec. 6. 2015 Iowa Acts, chapter 135, section 32, is amended
29 to read as follows:

30 SEC. 32. IOWA LAW ENFORCEMENT ACADEMY.

31 1. There is appropriated from the general fund of the
32 state to the Iowa law enforcement academy for the fiscal year
33 beginning July 1, 2016, and ending June 30, 2017, the following
34 amount, or so much thereof as is necessary, to be used for the
35 purposes designated:

1 For salaries, support, maintenance, and miscellaneous
2 purposes, including jailer training and technical assistance,
3 and for not more than the following full-time equivalent
4 positions:

| | | |
|---------|------|------------------|
| 5 | \$ | 501,607 |
| 6 | | <u>1,003,214</u> |
| 7 | FTEs | 24.00 |
| 8 | | <u>25.00</u> |

9 It is the intent of the general assembly that the Iowa law
10 enforcement academy may provide training of state and local
11 law enforcement personnel concerning the recognition of and
12 response to persons with Alzheimer's disease.

13 The Iowa law enforcement academy may temporarily exceed and
14 draw more than the amount appropriated in this subsection and
15 incur a negative cash balance as long as there are receivables
16 equal to or greater than the negative balance and the amount
17 appropriated in this subsection is not exceeded at the close
18 of the fiscal year.

19 2. The Iowa law enforcement academy may select at least
20 five automobiles of the department of public safety, division
21 of state patrol, prior to turning over the automobiles to
22 the department of administrative services to be disposed
23 of by public auction, and the Iowa law enforcement academy
24 may exchange any automobile owned by the academy for each
25 automobile selected if the selected automobile is used in
26 training law enforcement officers at the academy. However, any
27 automobile exchanged by the academy shall be substituted for
28 the selected vehicle of the department of public safety and
29 sold by public auction with the receipts being deposited in the
30 depreciation fund to the credit of the department of public
31 safety, division of state patrol.

32 3. The Iowa law enforcement academy shall provide training
33 for domestic abuse and human trafficking-related issues
34 throughout the state. The training shall be offered at no
35 cost to the attendees and the training shall not replace any

1 existing domestic abuse or human trafficking training offered
2 by the academy.

3 Sec. 7. 2015 Iowa Acts, chapter 135, section 33, is amended
4 to read as follows:

5 SEC. 33. STATE PUBLIC DEFENDER. There is appropriated from
6 the general fund of the state to the office of the state public
7 defender of the department of inspections and appeals for the
8 fiscal year beginning July 1, 2016, and ending June 30, 2017,
9 the following amounts, or so much thereof as is necessary, to
10 be used for the purposes designated:

11 1. For salaries, support, maintenance, and miscellaneous
12 purposes, and for not more than the following full-time
13 equivalent positions:

| | | |
|----------|------|-----------------------|
| 14 | \$ | 13,016,121 |
| 15 | | <u>26,182,243</u> |
| 16 | FTEs | 223.00 |

17 2. For payments on behalf of eligible adults and juveniles
18 from the indigent defense fund, in accordance with section
19 815.11:

| | | |
|----------|----|-----------------------|
| 20 | \$ | 14,875,965 |
| 21 | | <u>29,601,929</u> |

22 Sec. 8. 2015 Iowa Acts, chapter 135, section 34, is amended
23 to read as follows:

24 SEC. 34. BOARD OF PAROLE. There is appropriated from the
25 general fund of the state to the board of parole for the fiscal
26 year beginning July 1, 2016, and ending June 30, 2017, the
27 following amount, or so much thereof as is necessary, to be
28 used for the purposes designated:

29 For salaries, support, maintenance, and miscellaneous
30 purposes, and for not more than the following full-time
31 equivalent positions:

| | | |
|----------|------|--------------------|
| 32 | \$ | 602,291 |
| 33 | | <u>1,204,583</u> |
| 34 | FTEs | 10.75 |

35 Sec. 9. 2015 Iowa Acts, chapter 135, section 35, is amended

1 to read as follows:

2 SEC. 35. DEPARTMENT OF PUBLIC DEFENSE.

3 1. There is appropriated from the general fund of the
4 state to the department of public defense, for the fiscal year
5 beginning July 1, 2016, and ending June 30, 2017, the following
6 amounts, or so much thereof as is necessary, to be used for the
7 purposes designated:

8 For salaries, support, maintenance, and miscellaneous
9 purposes, and for not more than the following full-time
10 equivalent positions:

| | | |
|----------|------|----------------------|
| 11 | \$ | 3,277,239 |
| 12 | | <u>6,554,478</u> |
| 13 | FTEs | 277.50 |

14 2. The department of public defense may temporarily exceed
15 and draw more than the amount appropriated in this section and
16 incur a negative cash balance as long as there are receivables
17 of federal funds equal to or greater than the negative balance
18 and the amount appropriated in this section is not exceeded at
19 the close of the fiscal year.

20 Sec. 10. 2015 Iowa Acts, chapter 135, section 36, is amended
21 to read as follows:

22 SEC. 36. THE DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY
23 MANAGEMENT.

24 1. There is appropriated from the general fund of the state
25 to the department of homeland security and emergency management
26 for the fiscal year beginning July 1, 2016, and ending June
27 30, 2017, the following amounts, or so much thereof as is
28 necessary, to be used for the purposes designated:

29 For salaries, support, maintenance, and miscellaneous
30 purposes, and for not more than the following full-time
31 equivalent positions:

| | | |
|----------|------|----------------------|
| 32 | \$ | 1,114,812 |
| 33 | | <u>2,229,623</u> |
| 34 | FTEs | 35.95 |

35 2. The department of homeland security and emergency

1 management may temporarily exceed and draw more than the amount
2 appropriated in this section and incur a negative cash balance
3 as long as there are receivables of federal funds equal to or
4 greater than the negative balance and the amount appropriated
5 in this section is not exceeded at the close of the fiscal
6 year.

7 3. It is the intent of the general assembly that the
8 department of homeland security and emergency management work
9 in conjunction with the department of public safety, to the
10 extent possible, when gathering and analyzing information
11 related to potential domestic or foreign security threats, and
12 when monitoring such threats.

13 Sec. 11. 2015 Iowa Acts, chapter 135, section 37, is amended
14 to read as follows:

15 SEC. 37. DEPARTMENT OF PUBLIC SAFETY. There is appropriated
16 from the general fund of the state to the department of public
17 safety for the fiscal year beginning July 1, 2016, and ending
18 June 30, 2017, the following amounts, or so much thereof as is
19 necessary, to be used for the purposes designated:

20 1. For the department's administrative functions, including
21 the criminal justice information system, and for not more than
22 the following full-time equivalent positions:

| | | |
|----------|------|------------------|
| 23 | \$ | 2,113,065 |
| 24 | | <u>4,226,131</u> |
| 25 | FTEs | 38.00 |

26 2. For the division of criminal investigation, including
27 the state's contribution to the peace officers' retirement,
28 accident, and disability system provided in [chapter 97A](#) in the
29 amount of the state's normal contribution rate, as defined in
30 section 97A.8, multiplied by the salaries for which the moneys
31 are appropriated, to meet federal fund matching requirements,
32 and for not more than the following full-time equivalent
33 positions:

| | | |
|----------|----|----------------------|
| 34 | \$ | 6,898,272 |
| 35 | | <u>13,796,544</u> |

| | | |
|---------|------|-------------------|
| 1 | FTEs | 159.00 |
| 2 | | <u>162.00</u> |

3 The division of criminal investigation may employ two
4 of the three additional FTEs authorized pursuant to this
5 subsection that are in excess of the number of FTEs authorized
6 for the previous fiscal year only if the division of criminal
7 investigation receives sufficient federal moneys to maintain
8 employment for the additional two FTEs during the current
9 fiscal year. The division of criminal investigation shall only
10 employ the additional two FTEs in succeeding fiscal years if
11 sufficient federal moneys are received during each of those
12 succeeding fiscal years.

13 3. For the criminalistics laboratory fund created in
14 section 691.9:

| | | |
|----------|----|--------------------|
| 15 | \$ | 151,173 |
| 16 | | <u>302,345</u> |

17 4. a. For the division of narcotics enforcement, including
18 the state's contribution to the peace officers' retirement,
19 accident, and disability system provided in [chapter 97A](#) in the
20 amount of the state's normal contribution rate, as defined in
21 section 97A.8, multiplied by the salaries for which the moneys
22 are appropriated, to meet federal fund matching requirements,
23 and for not more than the following full-time equivalent
24 positions:

| | | |
|----------|------|----------------------|
| 25 | \$ | 3,695,519 |
| 26 | | <u>7,391,039</u> |
| 27 | FTEs | 65.50 |
| 28 | | <u>66.50</u> |

29 The division of narcotics enforcement may employ the
30 additional one FTE authorized pursuant to this lettered
31 paragraph that is in excess of the number of FTEs authorized
32 for the previous fiscal year only if the division of narcotics
33 enforcement receives sufficient federal moneys to maintain
34 employment for the additional FTE during the current fiscal
35 year. The division of narcotics enforcement shall only employ

1 the additional one FTE in succeeding fiscal years if sufficient
2 federal moneys are received during each of those succeeding
3 fiscal years.

4 b. For the division of narcotics enforcement for undercover
5 purchases:

6 \$ ~~54,521~~
7 109,042

8 5. For the division of state fire marshal, for fire
9 protection services as provided through the state fire service
10 and emergency response council as created in the department,
11 and for the state's contribution to the peace officers'
12 retirement, accident, and disability system provided in chapter
13 97A in the amount of the state's normal contribution rate,
14 as defined in [section 97A.8](#), multiplied by the salaries for
15 which the moneys are appropriated, and for not more than the
16 following full-time equivalent positions:

17 \$ ~~2,325,505~~
18 4,651,010
19 FTEs 53.00

20 6. For the division of state patrol, for salaries, support,
21 maintenance, workers' compensation costs, and miscellaneous
22 purposes, including the state's contribution to the peace
23 officers' retirement, accident, and disability system provided
24 in [chapter 97A](#) in the amount of the state's normal contribution
25 rate, as defined in [section 97A.8](#), multiplied by the salaries
26 for which the moneys are appropriated, and for not more than
27 the following full-time equivalent positions:

28 \$ ~~30,750,788~~
29 61,501,575
30 FTEs 512.00

31 It is the intent of the general assembly that the division of
32 state patrol implement the endangered persons advisory alert
33 system.

34 It is the intent of the general assembly that members of the
35 state patrol be assigned to patrol the highways and roads in

1 lieu of assignments for inspecting school buses for the school
2 districts.

3 7. For deposit in the sick leave benefits fund established
4 under [section 80.42](#) for all departmental employees eligible to
5 receive benefits for accrued sick leave under the collective
6 bargaining agreement:

7 \$ ~~139,759~~
8 279,517

9 8. For costs associated with the training and equipment
10 needs of volunteer fire fighters:

11 \$ ~~412,760~~
12 825,520

13 a. Notwithstanding [section 8.33](#), moneys appropriated in
14 this subsection that remain unencumbered or unobligated at the
15 close of the fiscal year shall not revert but shall remain
16 available for expenditure only for the purpose designated in
17 this subsection until the close of the succeeding fiscal year.

18 b. Notwithstanding [section 8.39](#), the department of public
19 safety may reallocate moneys appropriated in this section
20 as necessary to best fulfill the needs provided for in the
21 appropriation. However, the department shall not reallocate
22 moneys appropriated to the department in this section unless
23 notice of the reallocation is given to the legislative services
24 agency and the department of management prior to the effective
25 date of the reallocation. The notice shall include information
26 regarding the rationale for reallocating the moneys. The
27 department shall not reallocate moneys appropriated in this
28 section for the purpose of eliminating any program.

29 9. For the public safety interoperable and broadband
30 communications fund established in [section 80.44](#):

31 \$ ~~77,330~~
32 154,661

33 10. For department-wide duties, including operations,
34 costs, and miscellaneous purposes:

35 \$ 1,834,973

1 Sec. 12. 2015 Iowa Acts, chapter 135, section 38, is amended
2 to read as follows:

3 SEC. 38. GAMING ENFORCEMENT.

4 1. There is appropriated from the gaming enforcement
5 revolving fund created in section 80.43 to the department of
6 public safety for the fiscal year beginning July 1, 2016, and
7 ending June 30, 2017, the following amount, or so much thereof
8 as is necessary, to be used for the purposes designated:

9 For any direct support costs for agents and officers of
10 the division of criminal investigation's excursion gambling
11 boat, gambling structure, and racetrack enclosure enforcement
12 activities, including salaries, support, maintenance, and
13 miscellaneous purposes, and for not more than the following
14 full-time equivalent positions:

| | | |
|----------|------|----------------------|
| 15 | \$ | 5,449,004 |
| 16 | | <u>9,528,227</u> |
| 17 | FTEs | 102.00 |
| 18 | | <u>72.00</u> |

19 2. For each additional license to conduct gambling games on
20 an excursion gambling boat, gambling structure, or racetrack
21 enclosure issued during the fiscal year beginning July 1, 2016,
22 there is appropriated from the gaming enforcement fund to the
23 department of public safety for the fiscal year beginning July
24 1, 2016, and ending June 30, 2017, an additional amount of not
25 more than \$300,000 to be used for not more than 3 additional
26 full-time equivalent positions.

27 3. The department of public safety, with the approval of the
28 department of management, may employ no more than three special
29 agents for each additional riverboat or gambling structure
30 regulated after July 1, 2016, and three special agents for
31 each racing facility which becomes operational during the
32 fiscal year which begins July 1, 2016. Positions authorized
33 in this subsection are in addition to the full-time equivalent
34 positions otherwise authorized in this section.

35 Sec. 13. 2015 Iowa Acts, chapter 135, section 39, is amended

1 to read as follows:

2 SEC. 39. CIVIL RIGHTS COMMISSION.

3 1. There is appropriated from the general fund of the state
4 to the Iowa state civil rights commission for the fiscal year
5 beginning July 1, 2016, and ending June 30, 2017, the following
6 amount, or so much thereof as is necessary, to be used for the
7 purposes designated:

8 For salaries, support, maintenance, and miscellaneous
9 purposes, and for not more than the following full-time
10 equivalent positions:

| | | |
|----------|------|------------------|
| 11 | \$ | 584,770 |
| 12 | | <u>1,169,540</u> |
| 13 | FTEs | 28.00 |

14 2. The Iowa state civil rights commission may enter into
15 a contract with a nonprofit organization to provide legal
16 assistance to resolve civil rights complaints.

17 Sec. 14. 2015 Iowa Acts, chapter 135, section 40, is amended
18 to read as follows:

19 SEC. 40. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION.

20 1. There is appropriated from the general fund of the state
21 to the criminal and juvenile justice planning division of the
22 department of human rights for the fiscal year beginning July
23 1, 2016, and ending June 30, 2017, the following amounts, or
24 so much thereof as is necessary, to be used for the purposes
25 designated:

26 For salaries, support, maintenance, and miscellaneous
27 purposes, and for not more than the following full-time
28 equivalent positions:

| | | |
|----------|------|------------------|
| 29 | \$ | 630,053 |
| 30 | | <u>1,260,105</u> |
| 31 | FTEs | 12.15 |

32 2. The criminal and juvenile justice planning advisory
33 council and the juvenile justice advisory council shall
34 coordinate their efforts in carrying out their respective
35 duties relative to juvenile justice.

1 Sec. 15. Section 915.94, Code 2016, is amended to read as
2 follows:

3 **915.94 Victim compensation fund.**

4 A victim compensation fund is established as a separate
5 fund in the state treasury. Moneys deposited in the fund
6 shall be administered by the department and dedicated to and
7 used for the purposes of [section 915.41](#) and [this subchapter](#).
8 In addition, the department may use moneys from the fund
9 for the purpose of the department's prosecutor-based victim
10 service coordination, including the duties defined in sections
11 [910.3](#) and [910.6](#) and [this chapter](#), and for the award of funds
12 to programs that provide services and support to victims of
13 domestic abuse or sexual assault as provided in [chapter 236](#),
14 to victims under [section 710A.2](#), for reimbursement to the
15 Iowa law enforcement academy for domestic abuse and human
16 trafficking training, and for the support of an automated
17 victim notification system established in [section 915.10A](#).
18 For each fiscal year, the department may also use up to three
19 hundred thousand dollars from the fund to provide training
20 for victim service providers, to provide training for related
21 professionals concerning victim service programming, and
22 to provide training concerning homicide, domestic assault,
23 sexual assault, stalking, harassment, and human trafficking as
24 required by [section 710A.6](#). Notwithstanding [section 8.33](#), any
25 balance in the fund on June 30 of any fiscal year shall not
26 revert to the general fund of the state.

27 Sec. 16. Section 915.95, Code 2016, is amended to read as
28 follows:

29 **915.95 Human trafficking victim fund.**

30 A fund is created as a separate fund in the state treasury.
31 Moneys deposited in the fund shall be administered by the
32 department and dedicated to and used for awarding moneys to
33 programs that provide services and support to victims of human
34 trafficking under [section 710A.2](#), including public outreach and
35 awareness programs and service provider training programs, and

1 for reimbursing the Iowa law enforcement academy for domestic
2 abuse and human trafficking training. Notwithstanding section
3 8.33, any balance in the fund on June 30 of any fiscal year
4 shall not revert to the general fund of the state.

5 Sec. 17. 2014 Iowa Acts, chapter 1138, section 21, is
6 amended to read as follows:

7 SEC. 21. CONSUMER EDUCATION AND LITIGATION

8 FUND. Notwithstanding [section 714.16C](#), for each fiscal
9 year of the period beginning July 1, 2014, and ending June
10 30, ~~2016~~ 2018, the annual appropriations in [section 714.16C](#),
11 are increased from \$1,125,000 to \$1,875,000, and \$75,000 to
12 \$125,000 respectively.

13 Sec. 18. 2015 Iowa Acts, chapter 135, section 41, is amended
14 to read as follows:

15 SEC. 41. DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY
16 MANAGEMENT. There is appropriated from the E911 emergency
17 communications fund created in [section 34A.7A](#) to the department
18 of homeland security and emergency management for the fiscal
19 year beginning July 1, 2016, and ending June 30, 2017, the
20 following amount, or so much thereof as is necessary, to be
21 used for the purposes designated:

22 For implementation, support, and maintenance of the
23 functions of the administrator and program manager under
24 chapter 34A and to employ the auditor of the state to perform
25 an annual audit of the E911 emergency communications fund:
26 \$ ~~125,000~~
27 250,000

28 Sec. 19. 2015 Iowa Acts, chapter 138, section 141, is
29 amended to read as follows:

30 SEC. 141. HUMAN TRAFFICKING ENFORCEMENT FUND. A human
31 trafficking enforcement fund is established, separate and apart
32 from all other public moneys or funds of the state, under
33 the control of the department of justice. The department
34 of justice shall deposit unencumbered or unobligated moneys
35 transferred from the mortgage servicing settlement fund

1 into the fund. Moneys in the fund are appropriated to the
2 department of justice, and after consultation with the
3 commissioner of public safety and the director of the Iowa
4 law enforcement academy the moneys shall be used for purposes
5 of training local law enforcement, members of the state
6 patrol, county attorneys, judicial officers, juvenile court
7 officers, and public safety answering point personnel about
8 recognizing and reporting incidents of human trafficking, and
9 for reimbursing the Iowa law enforcement academy for domestic
10 abuse and human trafficking training. Any moneys remaining in
11 the fund on June 30, 2020, shall be transferred to the general
12 fund of the state.

13 Sec. 20. STATE PUBLIC DEFENDER PILOT PROJECT — ATTORNEY
14 CHOICE — EMERGENCY RULES.

15 1. Notwithstanding any other provision of the law to the
16 contrary, for each fiscal year for the period beginning July 1,
17 2016, and ending June 30, 2019, the state public defender may
18 establish a pilot project allowing an indigent person to choose
19 an eligible attorney to represent the person in the person's
20 case that requires such representation. The state public
21 defender shall have sole discretion to establish the pilot
22 project in no more than four counties throughout the state.
23 The state public defender may coordinate with other agencies
24 and organizations in order to seek grant funding and to measure
25 the results of the pilot project.

26 2. The state public defender may adopt emergency rules under
27 section 17A.4, subsection 3, and section 17A.5, subsection 2,
28 paragraph "b", to implement the provisions of this section of
29 this Act and the rules shall be effective immediately upon
30 filing unless a later date is specified in the rules. Any
31 rules adopted in accordance with this section shall also be
32 published as a notice of intended action as provided in section
33 17A.4.

34

EXPLANATION

35 The inclusion of this explanation does not constitute agreement with

1 the explanation's substance by the members of the general assembly.

2 This bill relates to appropriations from the general fund
3 of the state for fiscal year 2016-2017 to the departments
4 of justice, corrections, public defense, public safety, and
5 homeland security and emergency management, and the Iowa law
6 enforcement academy, office of the state public defender, board
7 of parole, Iowa state civil rights commission, and the criminal
8 and juvenile justice planning division of the department of
9 human rights.

10 The bill adds 5.00 full-time equivalent positions within the
11 department of justice to administer victim assistance grants.
12 The bill requires the new FTE positions to be an accountant and
13 four program planners. The bill specifies that the department
14 of justice may employ the additional five full-time equivalent
15 positions only if the department of justice receives sufficient
16 federal moneys to maintain employment for the additional
17 full-time equivalent positions during the current fiscal year
18 and succeeding fiscal years. The department of justice shall
19 only employ the additional five full-time equivalent positions
20 in succeeding fiscal years if sufficient federal moneys are
21 received during each of those succeeding fiscal years.

22 The bill requires the department of justice to reimburse
23 the costs and necessary related expenses incurred by the Iowa
24 law enforcement academy to employ one additional instructor
25 position who shall provide training for domestic abuse and
26 human trafficking-related issues throughout the state. The
27 bill specifies that the department of justice shall obtain the
28 moneys necessary to reimburse the Iowa law enforcement academy
29 to employ such an instructor from unrestricted moneys from
30 either the victim compensation fund, the human trafficking
31 victim fund, or the human trafficking enforcement fund. The
32 bill further specifies that the training provided by the
33 Iowa law enforcement academy shall be offered at no cost to
34 the attendees and the training for domestic abuse or human
35 trafficking shall not replace any existing training offered by

1 the academy.

2 The bill makes additional appropriations to the department
3 of public safety and the department of corrections for
4 department-wide duties.

5 The bill appropriates moneys from the department of commerce
6 revolving fund to the office of consumer advocate of the
7 department of justice for fiscal year 2016-2017.

8 The bill adds 3.00 full-time equivalent positions within
9 the division of criminal investigation. The bill specifies
10 that the division of criminal investigation may employ two of
11 the three additional FTEs only if the department of justice
12 receives sufficient federal moneys to maintain employment
13 for the additional two FTEs during the current fiscal year.
14 The division of criminal investigation shall only employ the
15 additional two full-time equivalent positions in succeeding
16 fiscal years if sufficient federal moneys are received during
17 each of those succeeding fiscal years.

18 The bill specifies that the division of narcotics
19 enforcement may employ one additional full-time equivalent
20 position only if the division of narcotics enforcement receives
21 sufficient federal moneys to maintain employment for the
22 additional full-time equivalent position during the current
23 fiscal year and succeeding fiscal years. The division of
24 narcotics enforcement shall only employ the additional one
25 full-time equivalent in succeeding fiscal years if sufficient
26 federal moneys are received during each of those succeeding
27 fiscal years.

28 The bill also appropriates moneys from the gaming
29 enforcement revolving fund to the department of public safety
30 for fiscal year 2016-2017.

31 The bill amends Code section 915.94 to allow funds in the
32 victim compensation fund to be used to reimburse the Iowa law
33 enforcement academy for domestic abuse and human trafficking
34 training.

35 The bill amends Code section 915.95 to allow funds in the

1 human trafficking victim fund to be used to reimburse the
2 Iowa law enforcement academy for domestic abuse and human
3 trafficking training.

4 The bill extends the fiscal period for increasing the
5 appropriations from the consumer education and litigation fund
6 in Code section 714.16C to June 30, 2018. Under current law
7 the increased appropriations from the consumer education and
8 litigation fund expire on June 30, 2016.

9 The bill appropriates moneys from the wireless E911
10 emergency communications fund to the department of homeland
11 security and emergency management for fiscal year 2016-2017.

12 The bill amends 2015 Iowa Acts, ch. 138, section 141,
13 to allow funds in the human trafficking fund to be used to
14 reimburse the Iowa law enforcement academy for domestic abuse
15 and human trafficking training. The bill also requires the
16 department of justice to consult with the commissioner of the
17 department of public safety and the director of the Iowa law
18 enforcement academy prior to using the funds in the human
19 trafficking fund.

20 The bill permits the state public defender to establish
21 a pilot project beginning FY 2016-2017 through FY 2018-2019
22 that allows an indigent person to choose an eligible attorney
23 to represent the person in the person's case that requires
24 such representation. The bill specifies that the state
25 public defender shall have sole discretion to establish the
26 pilot project in no more than four counties throughout the
27 state. The bill also allows the state public defender to adopt
28 emergency rules to implement the pilot project.